Remarks

Claim Rejections – 35 USC § 102

The Examiner rejects claims 1-18 as being unpatentable over Crosby. This is respectfully traversed for the following reasons.

The Examiner's argument, although presented in different terms from the first Office Action, alleges anticipation on the basis of Crosby. The Examiner has paraphrased Claim 1 in order to demonstrate the alleged relevance of Crosby to Claim 1.

MPEP §2131 states that to anticipate a claim the reference must teach every element of the claim. Clearly, if the claim is paraphrased and omits elements lacking from the reference, anticipation has not been shown. It is submitted that the relevance of Crosby to the paraphrased method is not of significance, because the paraphrased wording does not include "every element of the claim", and these omitted elements cannot properly be ignored.

Claimed element	**Paraphrased wording**
accessing a service provider on the basis of radio data system (RDS) information	[not mentioned]
using an RDS radio receiver	using a radio receiver
extracting said RDS information	extracting a broadcast information
creating a message on the basis of at least some of said RDS information	creating a message on the basis of said information

The above analysis does not pretend to comment on whether or not Crosby does or does not in fact disclose the elements which it is alleged to; the comparison is intended only to show that the "invention" which Crosby is alleged to anticipate is not the invention claimed in the instant application.

To avoid any misunderstanding of applicants' argument on this point, it is not suggested that paraphrased claims are improper in an office action – clearly they can increase the comprehensibility of obscure language and are often used as shorthand for a longer claim wording. However, in this case the references to "RDS information" (i) are not obscure, (ii) are clearly considered by the Applicant to be essential to the invention, and (iii) have been the subject of detailed argumentation in the previous response. A radio receiver is not an RDS radio receiver, and broadcast information is not RDS information, and paraphrasing the claim might have the effect of blurring these differences.

Before discussing the differences over the prior art in detail, Applicants wish to clarify what is meant by the terms "RDS" and "RDS information" as used in the claims.

A document is attached explaining the RDS system in general overview. The invention is only concerned with using the additional data and text information which is carried alongside a regular broadcast signal and employing this additional information in a novel and innovative manner.

With this in mind, an amendment has been made in claim 1 to better clarify that the RDS information is received "as an encoded RDS data signal which is carried in conjunction with the normal encoded audio radio signal".

The passages of Crosby to which the Examiner refers have been studied in detail, without any reference to RDS receivers or RDS information being found. The radio receiver in the system of Crosby is not an RDS receiver as required by claim 1 of the present application.

The Crosby receiver sends a message which includes (Col. 7, lines 30-37):

- the carrier frequency of the radio broadcast being listened to
- the current time
- the current location of the receiver
- a subscriber ID or a mobile unit ID identifying the receiver or the user of the receiver

The Examiner stated that the receiver extracts "a broadcast information on the basis of a pre-specified template (AM of FM analog radio signals)". This is not clearly understood, but applicants would comment that the only "broadcast information" is the frequency being received. The other components of the message are available to the receiver from a clock, a GPS chip, and a programmed ID.

The broadcast frequency is an inherent physical property of a radio signal, and is evidently not RDS information. The other components of the message are not derived in any way from the conventional radio signal received. If this rejection is to be pursued, applicants request that the Examiner assist in understanding of the rejection by explaining how RDS information is considered to be present in any of the message components set out above.

As regards the claimed elements of the RDS information being "provided in a pre-specified template" and "extracting said RDS information on the basis of said pre-specified template", this is similarly neither present in, nor contemplated by, Crosby.

A template, in information processing terms, can be thought of as a model of the data structure to which information conforms. Thus a pre-specified template can be used to transmit information having an expected data structure, such that a relatively dumb system can extract the correct parts of the information based on position within a data stream or based on pre-specified delimiters of different fields, for example.

As an example, the title and artist of the currently playing song might be carried in an RDS signal which would naturally change with each new song. Now suppose that the RDS data is formatted before transmission to universally conform to the following template (with padding or truncation being used to ensure that each field is the correct length):
[station name (8 characters)]
[song name (32 characters)]
[artist name (20 characters)]
[album name (32 characters)]
(i.e. each song is accompanied by a 92 character RDS data stream)

Based on this template, an RDS radio apparatus according to the invention could, at the press of a button, extract these fields and construct a message including the user's email address or subscriber ID. That message could be sent to any commercial music provider (such as Apple's iTunes service to set aside the song for later download, or to Amazon requesting that the album be placed in the user's shopping cart).

Crosby does not extract RDS information in any sense from the received signal. Crosby simply notes the frequency of the signal. There is absolutely no disclosure of information conforming to a template or its extraction and subsequent re-use to generate a message. In order to progress matters, and in the event that the rejection is maintained, applicants request that the "pre-specified template" in Crosby be clearly identified to allow applicants to comment with greater precision.

It is hoped that the clarifying amendment to claim 1 will be recognized as sufficiently differentiating RDS information from the information used in Crosby's messages, and that patentability can be recognized. A similar amendment has been made in apparatus claim 14.

Finally, for brevity, and to avoid repeating the arguments submitted in the last response, applicants would point out again that Crosby does not teach sending a message to a service provider. The Examiner referred to the previous response on this point.

As regards the remaining claims, it will be recognized that each such claim shares with claim 1, at a minimum, the distinguishing feature of employing RDS information, and as pointed out above, Crosby does not employ such information but rather uses receiver location, time and frequency to allow a ground station to deduce which station was being received when the user makes an input.

Further and favorable reconsideration is therefore urged.

An appropriate Petition for Extension of Time is also submitted herewith.

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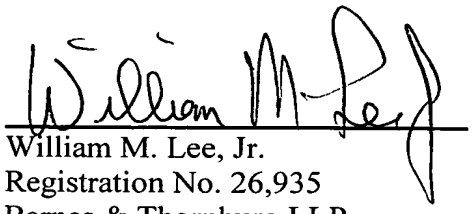
Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)